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REMARKS

The Office Action dated April 4, 2006, has been carefully reviewed and the present amendment is submitted in response thereto. Claims 4, 7-11, 14, and 17-20 have been amended, and claims 21 and 22 added. Claims 1-5, 7-14, and 16-22 are pending in the application for consideration on the merits. Favorable consideration of this application as amended is requested.

Claim Rejections Under 35 U.S.C. § 112:

Claims 8-14, 17, and 20 stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite. Specifically, the examiner stated that claims 8-14, 17, and 20 recite "the device" with insufficient antecedent basis. Claims 8-11, 17, and 20 have been amended in accordance with the examiner's suggestion to change "device" to "assembly" since these dependent claims refer back to the assembly recited in independent claim 7. Also, claims 18 and 19 have been similarly amended. Claims 12-14, however, depend from claim 1, which does provide antecedent basis for "device." Accordingly, claims 12-14 have not been amended to refer to the "assembly."

Claim Rejections Under 35 U.S.C. § 102:

Claims 1-3 and 7-9 stand rejected under 35 U.S.C. 102(b) as being anticipated by Ville et al. (4,543,074), hereafter referred to as Ville. Applicant respectfully traverses the rejections. In order to anticipate a claim under 35 U.S.C. 102(b), each and every element of the claim must be disclosed in the prior art reference.

With regard to independent claims 1 and 7, the examiner states,

Ville et al disclose a device for releasably fastening a first component (1) to a second component (2), comprising: a first component (1); a second component (2); a device body (14); a first fastener (1a) extending from said device body and operable to attach said device body to the first component (Fig 1); a second fastener (2a) extending from said device body and adapted to attach said device to the second component (Fig 1), whereby when a force of greater than a

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predetermined amount is applied to the second component, said first fastener detaches from the first component without damaging the first component (Fig 3; Col 5, Lines 44-47), and whereby when a force of less than a predetermined amount is applied to the second component, said first fastener remains attached to the first component (11; Fig 1).

Applicant respectfully disagrees with this reading of Ville onto claims 1 and 7. When reading Ville onto claims 1 and 7, the examiner used the terms from the claims with element numbers for what are supposed to be the corresponding elements from Ville—so applicant will use the same type of references for discussing Ville as it was read onto the claims.

First, the examiner stated “a first fastener (1a) extending from said device body” (14). The applicant respectfully disagrees with this statement. The element (1a) extends from and is an integral part of the “first component (1),” not the device body (14). Second, the examiner stated “a second fastener (2a) extending from said device body” (14). The applicant respectfully disagrees with this statement. The element (2a) is separate from and slidable relative to the device body (14). So the examiner is misconstruing the interconnection of components in Ville in order to force a reading of this reference onto claims 1 and 7. Thus, with these limitations missing from Ville, there is not anticipation of claims 1 and 7 by Ville. This is true even if, as stated by the examiner, the examiner gives no weight to the claim limitations in the “whereby” clauses.

The whereby clause provides limitations that further define the device body along with its interrelation with the first component and the second component. The device in Ville does not operate “whereby when a force of greater than a predetermined amount is applied to the second component, said first fastener detaches from the first component without damaging the first component.” The applicant respectfully disagrees with the examiner regarding the teachings in Ville relating to Fig 3 and Col 5, lines 44-47. Ville recites, “[i]n a first phase, the first shaft 1 is driving and the second shaft 2 is driven.” (Col. 5, lines 5-7). Ville also recites, “It is important to limit the transmission of

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power to a predetermined value of the maximum torque permitted in this first phase of operation. . . . If this value were exceeded, the frangible groove 18 of the first shaft is fractured and the configuration illustrated in FIG. 3 applied. All the elements of the device remain unchanged with the exception of the first shaft 1 of which the frangible groove 18 is sheared. (Col. 5, lines 37-47, emphasis added). Thus, the first shaft (1), which the examiner is reading onto claims 1 and 7 as the "first component (1)" is purposely damaged when a force greater than a predetermined amount is applied. The detaching occurs specifically by damaging (i.e., shearing) the first component. In addition, the predetermined force is not applied to the second component (2) to obtain this shearing, it is applied to the first component (1). Consequently, Ville is even further distinguishable from claims 1 and 7.

Regarding claims 2, 3, 8, and 9, they all ultimately depend from claim 1 or 7 and so are distinguishable over Ville for at least the reasons discussed above relative to claims 1 and 7. Moreover, each dependent claim adds limitations that may further distinguish them from Ville. For example, the examiner contends that, in regard to claims 3 and 9, "Ville et al disclose the first fastener (1a) being a flange defining a channel (12) between said flange and said upper arm (Fig 1)." Applicant respectfully disagrees. First, the claim recites a "return flange," not just a flange. Second, element (1a) in Ville is not part of the device (14), it is part of and integral with the first component (1). Thus, the claims of the present application are not anticipated by Ville.

Claims 1-4, 7-10, 14, and 16-20 stand rejected under 35 U.S.C. 102(b) as being anticipated by Roof et al. (5,101,540), hereafter referred to as the '540 patent. Applicant respectfully traverses the rejections. In order to anticipate a claim under 35 U.S.C. 102(b), each and every element of the claim must be disclosed in the prior art reference.

Claim 1 is directed to a "device for releasably fastening a first component to a second component, comprising: a device body; a first fastener extending from said device body and operable to attach said device body to the first component; a second fastener extending from said device body and adapted to attach said device to the

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second component, whereby when a force of greater than a predetermined amount is applied to the second component, said first fastener detaches from the first component without damaging the first component." Contrary to the examiner's contention that "no patentable weight has been given to statements of the use of a device . . . [t]here is no particular structure claimed to define how this operation is to be performed," the whereby clause provides limitations that further define the device body along with its interrelation with the first component and the second component, each of which is recited in the claim. For claim 1, then, the first fastener is configured such that, when a force greater than a predetermined amount is applied to the second component, the first fastener will detach from the first component without damaging the first component.

Moreover, applicant respectfully disagrees with the examiner's speculation as to the possible operation of the components in the '540 patent. Specifically, the examiner states, "[t]hough no weight has been given to this limitation, it is noted that since the 2 components are not permanently secured to the device it is possible to apply a certain force to the second component to dislodge the first fastener from the first component without damaging the first component." (emphasis added) The examiner is basing this statement on pure speculation—not a single teaching or suggestion whatsoever in the '540 patent implies that this would or could happen, or even that it would be possible or desirable. With regard to the '540 reference, it does not teach or suggest anything regarding the release of one of the components due to a force being applied to the other component—let alone such a release occurring without damaging the first component.

The '540 patent discloses mounting clips (18, 20) that secure a lamp housing (22) of a center high mount stop light (14) to a sheet metal support panel (16) next to the rear window (backlite) (12) of a vehicle (10). Each clip (18, 20) has a reversely bent spring arm (40) with a tang (44) for engaging with a raised ramp member (36) on a flange (32) of the housing (22). Also, each clip (18, 20) has laterally spaced outwardly extending feet (48, 50) for engaging under a retainer slot (30) in the support panel (16) and a tongue (56) extending downwardly from an elongated body portion (38) for engaging with ratchet teeth (64) on the support panel (16). The support panel (16)

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appears to be located adjacent to and may actually be a part of a rear package shelf in the vehicle.

As far as removing the stop light (14) after installation (i.e., the release of the stop light (14) from the support panel (16)), the '540 patent states, "[i]f for some reason it is desired to remove the stop light 14 from the support panel 16, this can be easily done by merely inserting a tool, such as a screw driver, into the opening 58 formed in the body portion 38 of each mounting clip and moving it upwardly to release the tongue 56 from engagement with the aforementioned ratchet teeth 64 and simultaneously moving the stop light 14 away from the backlite 12 until the feet 48 and 50 of the hold-down portion are located in the access portion of slot 30 whereupon the lamp housing 22 can be raised and removed from the support panel." Accordingly, the '540 patent only teaches releasing of clip when prying on the clip with tool—nothing at all about the releasing of one component when a force is applied to the other component.

The advantage of the present invention, which is missing from the '540 patent, is especially apparent when one component is a bumper fascia and the other is a headlamp or tail lamp. An impact on the vehicle bumper adjacent to the bumper fascia may induce a force in the fascia. Above a predetermined force level, then, the device—which connects the fascia to the lamp assembly—will release from the lamp assembly, thus avoiding damage to the lamp assembly. The '540 patent, being directed to a center high mount stop light that is mounted next to the vehicle backlite, is not near a bumper, let alone a bumper fascia. So a relatively small impact load to the vehicle, and in particular to a bumper, will not induce any load that might damage the high mount stop light assembly or the support panel to which it mounts.

Consequently, with at least this limitation of claim 1 missing from the '540 patent, there cannot be anticipation of this claim under 35 U.S.C. 102(b). Claims 2-4 and 14 ultimately depend from claim 1 and so are allowable over the art for at least the same reasons as claim 1. Moreover, each dependent claim adds limitations that may further distinguish them from the '540 patent. For example, contrary to the examiner's contentions, the configuration of the mounting clips (18, 20) in the '540 patent does not read on the limitations relating to the device as recited in claims 2-4. With regard to

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claim 2, the upper arm (42) and lower arm (50) are not connected by the intermediate arm (38). With regard to claim 3, the first fastener (40) does not define a return flange (40) defining a channel—walls (40) and (42) are substantially perpendicular to each other, so they do not form a channel. With regard to claim 4, it has been amended to more accurately reflect the interrelation of components of the device. The second fastener is an attachment arm extending from the intermediate arm and defining a channel between the attachment arm and the lower arm. The limitation in amended claim 4 is not present in the '540 patent. With regard to claim 14, applicant respectfully disagrees with examiner's interpreting bumper "fascia" as just any "panel." A bumper fascia is a bumper fascia, just like the claim says, not just any type of panel—otherwise the claim would have read a "panel." One skilled in the art would readily know what a bumper fascia is and would not confuse that (or consider them interchangeable) with a package shelf (upon which the high mount stop light is mounted in the '540 patent). The '540 patent does not teach or suggest anything about a bumper fascia.

Independent claim 7 includes limitations similar to the limitations in claim 1 that distinguish over the '540 patent. Accordingly, these limitations are also missing from claim 7 and so there cannot be anticipation of this claim under 35 U.S.C. 102(b).

Claims 8-10 and 16-20 ultimately depend from claim 7 and so are allowable over the art for at least the same reasons as claim 7. Moreover, each dependent claim adds limitations that may further distinguish them from the '540 patent. For example, the configuration of the mounting clips in the '540 patent does not read on the limitations relating to the device as recited in claims 8-10, and 20 as discussed above relative to claims 2-4, and 14, respectively. With regard to claim 17, it has been amended to define a finger extending from the housing that engages with an end of the device body, with a radius on the end that is in engagement with the finger. This is absent from the '540 patent. Claims 18 and 19 further define the interconnection of the structure claimed in claim 17.

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Claim Rejections Under 35 U.S.C. § 103:

Claims 12 and 13 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Roof et al. (5,101,540). Applicant respectfully traverses the rejections.

First, claims 12 and 13 depend from claim 1 and so are distinguishable over the '540 patent for at least the reasons stated above relative to claim 1. Second, there is no motivation in the '540 patent or in the '540 patent combined with the background section of the present application to modify the structure of the '540 patent to produce the invention of claims 12 or 13. The '540 patent teaches attaching a high mount stop lamp in a small space between a package shelf and a sloping back window in the interior of the vehicle. One skilled in the art would not find motivation to modify the '540 patent for a taillamp or headlamp assembly because it does not provide or suggest a reason for the desired function that the present invention does—it is not merely mounting a lamp assembly, but mounting a lamp assembly so that, when a force of greater than a predetermined amount is applied to the second component, the first fastener detaches from the headlamp/taillamp without damaging the headlamp/taillamp. So claims 12 and 13 are not obvious over the '540 patent.

Claim 5 and 11 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Roof et al. as applied to claims 1-4, 7-10, 14, and 16-20 above, and further in view of Schneider et al. (5,363,537). Applicant respectfully traverses the rejections.

Claim 5 depends from claim 1 and claim 11 depends from claim 7, as so both are distinguishable over the '540 patent for at least the same reasons discussed above relative to claims 1 and 7. Moreover, the '537 patent is only cited as disclosing particular materials that may be used to form a clip (as it is directed to a retaining clip for a window weather seal) and so does not overcome the deficiencies of the '540 patent. Consequently, the combination of the '540 and '537 patents does not render claims 5 or 11 unpatentable under 35 U.S.C. 103(a).

New Claims:

Claims 21 and 22 have been added. Claim 21 is directed to an "assembly comprising: a first component; a second component; and a device body including a first

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fastener extending therefrom and operable to releasably attach the device body to the first component, a second fastener extending from the device body and adapted to attach the device to the second component, and means for causing the first fastener to detach from the first component without damaging the first component when a force of greater than a predetermined amount is applied to the second component." None of the cited references includes such an interconnection of components or the functionality of the means of claim 21.

Claim 22 is directed to the "assembly of claim 21 wherein the first component is a lamp assembly and the second component is a bumper fascia." First, claim 22 depends from claim 21 and so is distinguishable over the cited references for at least the reasons for claim 21. Second, none of the cited references relates to such a releasable connection of a lamp assembly to a bumper fascia where a device will detach from the lamp assembly when a force greater than a predetermined amount is applied to the bumper fascia. This provides an advantage not taught or suggested in the cited references where the lamp assembly is protected from damage, even if the bumper fascia receives an undesirable force applied to it.

Conclusion:

In summary, it is believed that each formal and substantive requirement has now been met. Consequently, it is respectfully requested that all objections and rejections be withdrawn. The application is now believed to be in appropriate condition for allowance, which action is respectfully requested.

No fees are believed to be due at this time, but if this assumption is in error, please charge any fees due to GM Deposit Account #07-0960.

Respectfully submitted,



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